

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

STEPHEN KELLY,

Plaintiff,

V.

JOANN SCHAEFER, in her official capacity as commissioner of the Nebraska Department of Health and Human Services,

Defendant.

CASE NO. 4:09CV3118

MEMORANDUM AND ORDER

Plaintiff, a non-prisoner, filed a Motion for Leave to Proceed In Forma Pauperis. (Filing No. [3](#)). Upon review of Plaintiff's Motion, the court finds that Plaintiff is financially eligible to proceed in forma pauperis.

IT IS THEREFORE ORDERED that leave to proceed in forma pauperis is provisionally granted, and the Complaint shall be filed without payment of fees.

DATED this 17th day of September, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge